

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

GOOGLE LLC,  
  
Plaintiff,  
  
vs.  
  
SONOS, INC.,  
  
Defendant.

Case No. 3:20-cv-06754 WHA  
Related to Case No. 4:21-07559

**~~PROPOSED~~ ORDER APPOINTING  
COMMISSIONERS TO TAKE  
EVIDENCE PURSUANT TO CHAPTER  
II, ARTICLE 17 OF THE HAGUE  
CONVENTION OF 18 MARCH 1970 ON  
THE TAKING OF EVIDENCE ABROAD  
IN CIVIL OR COMMERCIAL MATTERS**

Referral: Hon. Donna M. Ryu, USMJ

~~[PROPOSED]~~ ORDER

WHEREAS, the Court having previously granted the parties' Joint Motion for Appointment of Commissioners to Take Evidence Pursuant to Chapter II, Article 17 of the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (ECF No. 218), for the remote deposition of Ramona Bobohalma;

WHEREAS, the Swiss Federal Office of Justice ("FOJ") having previously granted permission for the taking of the remote deposition of Ms. Bobohalma pursuant to this Court's Letter of Request;

WHEREAS, the Court having recently granted Google LLC's ("Google") Motion for Leave to Amend Invalidity Contentions Pursuant to Patent L.R. 3-6 ("Motion") and permitted certain amendments to the scope of Google's Invalidity Contentions;

WHEREAS, the Court having also recently permitted Sonos, Inc. ("Sonos") to take additional deposition testimony of Ms. Bobohalma in connection with granting Google's Motion;

WHEREAS, the parties having requested assistance from this Court to seek a renewal of the FOJ's permission for the purposes of taking an additional remote deposition of Ms. Bobohalma in Switzerland;

WHEREAS, the parties having agreed and requested that Olivier Buff, a Swiss attorney representing the Google, will again be appointed Swiss Commissioner,

WHEREAS, the parties having also agreed and requested that Nima Hefazi will again be appointed commissioner for Google, along with Marc Kaplan, and that Dan Smith, Michael Boyea, and Sean Sullivan will be appointed commissioners for Sonos;

WHEREAS, the parties have also agreed and requested that the deposition will again take place via remote videoconferencing software from the Swiss offices of Quinn Emanuel at Dufourstrasse 29, 8008 Zürich, Switzerland (or another nearby office if additional space is required);

1 WHEREAS, the Court, having reviewed the Joint Motion for Appointment of  
2 Commissioners to Take Evidence Pursuant to Chapter II, Article 17 of the Hague Convention of  
3 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (ECF No. 436)  
4 and supporting papers submitted by Google and Sonos for the renewal of the FOJ's permission.  
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6 **HEREBY ORDERS THAT:**

7 (a) The Joint Motion (ECF No. 436) is GRANTED;

8 (b) Pursuant to Article 17 of the Hague Convention, Olivier Buff (the "Swiss  
9 Commissioner"), Marc Kaplan, Nima Hefazi, Dan Smith, Michael Boyea, and Sean Sullivan  
10 (together, the "Commissioners") are duly appointed, pending the approval of the Swiss FOJ, as  
11 commissioners to take evidence in the above-captioned action, specifically in connection with the  
12 deposition of Ramona Bobohalma;  
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14 (c) This signed Order will be given to the counsel for the parties and the Swiss  
15 Commissioner who is directed to file it together with the renewed request for authorization from the  
16 relevant Swiss authorities within five (5) business days of the date of this order;

17 (d) Neither this Order, nor the terms of the Court's Request (which is incorporated into  
18 this Order) shall restrict the scope of discovery otherwise permissible under the Federal Rules of  
19 Civil Procedure.  
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1 (e) Neither this Order, nor the terms of the Court's Request (which is incorporated into  
2 this Order) shall constitute or operate as a waiver of the attorney-client privilege, the work product  
3 doctrine, or any other privileges, rights, or protections that may apply to evidence under the laws of  
4 Switzerland or the United States.  
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6  
7 **SO ORDERED.**

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9 DATED: December 27, 2022



10 HON. DONNA M. RYU  
11 United States Magistrate Judge  
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14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN FRANCISCO DIVISION

17 GOOGLE LLC,

18 Plaintiff,

19 vs.

20 SONOS, INC.,

21 Defendant.

Case No. 3:20-cv-06754 WHA  
Related to Case No. 4:21-07559

**APPOINTMENT OF COMMISSIONERS  
UNDER THE HAGUE CONVENTION AND  
REQUEST FOR JUDICIAL ASSISTANCE**

Referral: Hon. Donna M. Ryu, USMJ

**APPOINTMENT OF COMMISSIONERS UNDER THE HAGUE CONVENTION  
AND REQUEST FOR JUDICIAL ASSISTANCE – RENEWAL OF PERMISSION TO  
TAKE EVIDENCE BY A COMMISSIONER UNDER ARTICLE 17 HAGUE EVIDENCE  
CONVENTION 1970 TO THE FEDERAL OFFICE OF JUSTICE (FOJ), CENTRAL  
AUTHORITY FOR THE REQUEST FOR JUDICIAL ASSISTANCE IN CIVIL AND  
COMMERCIAL MATTERS:**

The United States District Court for the Northern District of California, located at the Oakland Courthouse, Courtroom 4 – 3rd Floor, 1301 Clay Street, Oakland, CA 94612, presents its compliments to the Federal Office of Justice and has the honor of requesting its assistance in obtaining evidence to be used in a civil proceeding now pending before this Court in the above-captioned matter, specifically by permitting commissioners appointed by this Court to take evidence under Article 17 of the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (“Hague Convention”).

Ms. Ramona Bobohalma, whose professional address is: Google Switzerland GmbH, Gustav-Gull-Platz 1, CH-8004 Zürich, Switzerland, was previously deposed by permission of the Federal Office of Justice in May 2022. However, because this Court recently permitted certain amendments to the scope of Google’s Invalidity Contentions, it appears to this Court that Ms. Bobohalma has additional testimony relevant to this action. It is necessary for the purposes of justice and for the due determination of the matters in question between the parties that Ms. Bobohalma be examined (remotely) again at the Swiss offices of Quinn Emanuel at Dufourstrasse 29, 8008 Zurich, Switzerland or another nearby office if additional space is required, under oath or affirmation. This Court, therefore, respectfully requests your assistance pursuant to the Hague Convention in obtaining additional oral deposition testimony of Ms. Ramona Bobohalma under the terms set forth in this Letter of Renewed Request:

**I. SUMMARY OF ACTION**

1. The above-captioned actions are properly under the jurisdiction of and are now pending before the United States District Court for the Northern District of California, Oakland Courthouse, Courtroom 4 – 3rd Floor, 1301 Clay Street, Oakland, CA 94612, United States of America. The United States District Court for the Northern District of California is fully sanctioned

1 as a court of law and equity and is authorized by Rule 28(b) of the Federal Rules of Civil Procedure  
 2 to direct the taking of evidence abroad by Letters of Request.

3 2. The parties to the civil action pending in the United States District Court for the  
 4 Northern District of California are as follows:

5 a. Google LLC (hereinafter, “Google”) is a corporation organized and existing under  
 6 the laws of the State of Delaware, with its headquarters in California, USA. Witness  
 7 Ramona Bobohalma is an individual who is employed by Google as a Senior Staff  
 8 Software Engineering Manager but is a resident of Switzerland. Google is  
 9 represented by QUINN EMANUEL URQUHART & SULLIVAN, LLP, 50  
 10 California Street, 22nd Floor, San Francisco, CA 94111, USA.

11 Correspondence to Google can be faxed to its representatives at +1 (415) 875-6700  
 12 or emailed at the following email addresses: charlesverhoeven@quinnemanuel.com,  
 13 melissabaily@quinnemanuel.com, jamesjudah@quinnemanuel.com,  
 14 marckaplan@quinnemanuel.com, and qe-sonos3@quinnemanuel.com.

15 b. Sonos, Inc. (hereinafter “Sonos”) is a corporation organized and existing under the  
 16 laws of Delaware, with headquarters in California, USA. Plaintiffs are represented  
 17 by ORRICK, HERRINGTON & SUTCLIFFE LLP, The Orrick Building, 405  
 18 Howard Street, San Francisco, CA 94105; and LEE SULLIVAN SHEA & SMITH  
 19 LLP, 656 W. Randolph Street, Floor 5W, Chicago, IL 60661, USA.

20 Correspondence to Sonos can be faxed to its representatives at +1 (415) 773-5759  
 21 and +1 (312) 754-9603 or emailed at the following email addresses:  
 22 smith@ls3ip.com, boyea@ls3ip.com, sullivan@ls3ip.com, and Sonos-NDCA-  
 23 06754-service@orrick.com.

24 3. These above-captioned actions are two cases regarding speaker technology that have  
 25 been related by the Court. Sonos has sued Google for infringement of U.S. Patent Nos. 9,967,615  
 26 (“the ’615 patent”); 10,779,033 (“the ’033 patent”); 10,469,966 (“the ’966 patent”); and 10,848,885  
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1 (“the ’885 patent”) (collectively, the “Patents-in-Suit”) under the patent laws of the United States,  
2 35 U.S.C. § 1 *et. seq.* Google filed a declaratory judgment action for non-infringement of the  
3 Patents-in-Suit under the Declaratory Judgment Act, 8 U.S.C. § 2201 and the patent laws of the  
4 United States, 35 U.S.C. §§ 1-390, as well as claims against Sonos for breach of contract and  
5 conversion. Both Sonos and Google believe all respective claims against them should be dismissed.  
6

7 4. This Court recently granted Sonos permission to depose Ms. Ramona Bobohalma  
8 again. The parties have agreed to conduct a remote deposition of Ms. Ramona Bobohalma, who  
9 will be located for such deposition in Switzerland, in accordance with Chapter II of the Hague  
10 Convention.

## 11 **II. EVIDENCE REQUESTED**

12 5. The parties have satisfied this Court that Ms. Ramona Bobohalma has material  
13 information related to this pending action for use at trial, and that justice cannot be completely done  
14 between the parties without her testimony.  
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16 6. The parties requested that this Court issue the present Letter of Renewed Request  
17 seeking your assistance in obtaining testimony from Ms. Ramona Bobohalma. The evidence to be  
18 obtained is oral testimony to be taken in Switzerland, and is intended to be used as evidence in the  
19 trial for this matter. Ms. Ramona Bobohalma, who is a resident of Switzerland, has been apprised  
20 of her rights under Swiss law and has consented to being deposed in Switzerland.  
21

22 7. The Court requests assistance in permitting the commissioners appointed by this  
23 Court to take testimony from Ms. Ramona Bobohalma, which will be given voluntarily. The topics  
24 of examination will be limited to Ms. Bobohalma’s knowledge reasonably related to the YouTube  
25 Remote’s “party mode” feature.

26 8. This Court is satisfied that the testimonial evidence is relevant to the pending  
27 proceeding and is likely to be used at trial to assist this Court in resolving the dispute presented in  
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1 the civil action before it. With the approval of this Court, the parties and this Court therefore seek  
2 permission to have commissioners take this testamentary evidence for the purpose of using such  
3 evidence at trial.

4           9.       It is requested that the testimonial evidence be given in the English language, and on  
5 oath or affirmation. It is also hereby requested that the testimony be in the form of a recorded remote  
6 deposition testimony via a secure session using videoconferencing technology upon questions  
7 communicated to the witness by U.S. counsel of the parties, acting as commissioners. It is requested  
8 that the testamentary evidence be given at some time agreeable to all involved in January 2023.

10           10.     The parties have agreed on and the Court hereby appoints Mr. Olivier Buff to serve  
11 as commissioner (“the Swiss Commissioner”). Mr. Buff is a lawyer with the law firm Quinn  
12 Emanuel at Dufourstrasse 29, 8008 Zürich, Switzerland, and admitted to practice as an attorney in  
13 Switzerland and New York. In his capacity as commissioner, Mr. Olivier Buff will complete and  
14 oversee the following tasks: liaise with the Swiss authorities; act as an agent of service for any  
15 communication of the Swiss authorities to this Court, the parties and Ms. Ramona Bobohalma; invite  
16 Ms. Ramona Bobohalma to the deposition once authorization is granted; verify and confirm the  
17 identity of Ms. Ramona Bobohalma before testamentary evidence is taken; supervise the testimony  
18 of Ms. Ramona Bobohalma by remote videoconferencing software from the Swiss offices of Quinn  
19 Emanuel at Dufourstrasse 29, 8008 Zürich, Switzerland (or another nearby office if additional space  
20 is required); instruct the witness on her rights and obligations as per Article 21 of the Hague  
21 Convention; and ensure that the testimony is conducted in accordance with those rights and  
22 obligations.

25           11.     The U.S. counsel of the parties, which the Court upon request of the parties hereby  
26 also appoints as commissioners are the following:  
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1 a. For Google: Marc Kaplan and Nima Hefazi, from QUINN EMANUEL  
 2 URQUHART & SULLIVAN LLP at 50 California, 22nd Floor, San Francisco, CA  
 3 94111, USA and 865 S. Figueroa Avenue, 10th Floor, Los Angeles, CA 90017, USA.

4 b. For Sonos: Dan Smith, Michael Boyea, and Sean Sullivan from LEE SULLIVAN  
 5 SHEA & SMITH at 656 W. Randolph Street, Suite 5W, Chicago, IL 60661.  
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7 12. In addition to the U.S. counsel and commissioners listed above and of the Swiss  
 8 Commissioner, it is also requested that client representatives for each party be allowed to be present,  
 9 and that a videographer and a stenographer be present to take and record a verbatim transcript of all  
 10 testimony and proceedings in the English language and that the transcript of the testimony be  
 11 authenticated. When necessary, persons belonging to the information technology departments of  
 12 the law firms of U.S. counsel may enter the rooms where U.S. counsel are remotely attending the  
 13 deposition. U.S. counsel, the party representatives, the videographer, and the stenographer may  
 14 attend the deposition remotely. The Swiss Commissioner, Ms. Ramona Bobohalma and potentially  
 15 any of the appointed other commissioners will attend the deposition by videoconference from the  
 16 same location in Zürich. When necessary, persons belonging to the IT department of the Quinn  
 17 Emanuel law firm where the deposition is held may enter the room where Ms. Ramona Bobohalma  
 18 is remotely attending the deposition.  
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20 13. As mentioned, it is requested that the commissioners take Ms. Ramona Bobohalma  
 21 testimony in the English language (to which Ms. Bobohalma has agreed) under oath or affirmation,  
 22 and that the Swiss Commissioner be allowed to administer such oath or request for affirmation on  
 23 Ms. Ramona Bobohalma in accordance with United States law, as follows: “Do you swear or affirm  
 24 that the testimony you are about to provide is the truth, the whole truth, and nothing but the truth?”  
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26 14. It is also requested that after giving testimony, Ms. Ramona Bobohalma be allowed  
 27 after completion of the transcript to review, submit any errata, and sign the transcript of her  
 28

1 testimony, and that the signed, transcribed, and videotaped testimony together with any documents  
2 marked as exhibits be transmitted to the parties' U.S. counsel as soon as possible thereafter.

3 15. Accordingly, it is hereby requested that you grant assistance and authorize the Swiss  
4 and U.S. commissioners appointed above to question Ms. Ramona Bobohalma under oath or  
5 affirmation at the remote deposition in January 2023, or at another time determined by you, and that  
6 a verbatim transcript and videotape be prepared and be transmitted to the parties' U.S. counsel for  
7 submission and use before this Court.  
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9 16. It is also requested that you inform the Swiss Commissioner, this Court, and the  
10 parties through their above-mentioned U.S. counsel of your approval of this Court's request and of  
11 all relevant dates and times determined by you for the production of the aforementioned requested  
12 testamentary evidence of Ms. Ramona Bobohalma. This Court and U.S. counsel hereby appoint  
13 Mr. Olivier Buff to act as the agent of service in Switzerland for any and all communication from  
14 you in this respect. As mentioned above, Mr. Olivier Buff's professional address in Switzerland for  
15 purpose of your communications is: Dufourstrasse 29, 8008 Zurich, Switzerland.  
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17 17. This Court expresses its appreciation to the Federal Office of Justice for its courtesy  
18 and assistance in this matter and states that this Court shall be ready and willing to assist the courts  
19 of Switzerland in a similar manner when required. This Court is also willing to reimburse (through  
20 the Parties) the competent judicial authorities of Switzerland for any costs incurred in executing this  
21 request for judicial assistance. This Court extends to the competent judicial authorities of  
22 Switzerland the assurances of its highest consideration.  
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24 This Letter of Renewed Request is signed and sealed by Order of the Court made on the date  
25 set forth below:

26 **SO ORDERED.**

27 DATED: December 27, 2022



HON. DONNA M. RYU  
United States Magistrate Judge